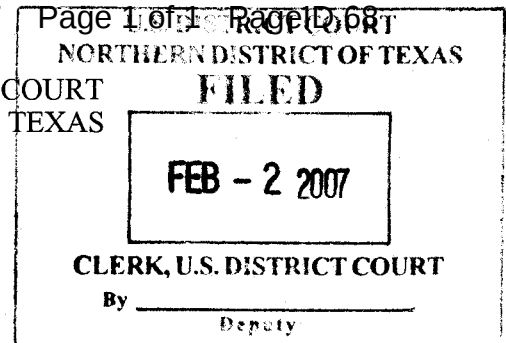


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



MICHAEL JAMES DUKE,

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:06-CV-0300

**ORDER ADOPTING REPORT AND RECOMMENDATION,  
GRANTING RESPONDENT'S MOTION TO DISMISS and  
DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Came for consideration the Petition for a Writ of Habeas Corpus by a Person in State Custody filed by petitioner. On January 19, 2007, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that respondent's motion to dismiss be granted on the alternative basis that the petition for a writ of habeas corpus filed by petitioner is moot. On January 25, 2007, the copy of the Report and Recommendation forwarded to petitioner was returned to this Court with the notation "Discharged – Return to Sender." As of this date, petitioner has not filed objections to the Magistrate Judge's Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. The Magistrate Judge's Report and Recommendation to dismiss the petition as moot is hereby ADOPTED. Accordingly, respondent's motion to dismiss is GRANTED on that basis, and the petition for a writ of habeas corpus filed by petitioner is DISMISSED.

IT IS SO ORDERED.

ENTERED this 5<sup>th</sup> day of February 2007.

MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE